

Minnesota Sentencing Guidelines Commission

Possible Modifications to the Sentencing Guidelines, 2017 Regular Session and 1st Special Session Laws Presented to MSGC on June 8, 2017

After each session, the Commission reviews “crime[s] created or amended by the legislature in the preceding session” for possible related modifications to the Sentencing Guidelines.¹ The following crimes, created or amended by the laws of the 2017 Regular Session and 1st Special Session,² 90th Minnesota Legislature, are subject to the Commission’s review.

A. Amended Crime Laws Affecting the Guidelines. The following existing crimes were amended by a 2017 Regular Legislative Session law or a 1st Special Session law, and are therefore subject to the Commission’s review.

Commission Action: For the offenses listed below, taking the amendments into consideration, the Commission may decide if or how the offense should be re-ranked, if there should be any modifications to the permissive consecutive offense list, or if other related Guidelines modifications should be made.

1. **Criminal Damage to Property in the First Degree (Public Safety Motor Vehicle)** ([2017 Minn. Laws ch. 95](#), art. 3, § 15 – from [S.F. 1098, 1st Engrossment](#), 90th Minn. Legislature)

Description: The crime of criminal damage to property in the first degree, found in Minn. Stat. § 609.595 (2016), subd. 1, presently contains four clauses encompassing: (1) damage causing a reasonably foreseeable risk of bodily harm; (2) damage to property belonging to, and impairing the public service rendered by, a common carrier; (3) damage in excess of \$1,000; and (4) damage in excess of \$500, with a prior conviction for first- or third-degree criminal damage to property.

The law amends criminal damage to property in the first degree by inserting a new clause, numbered (2) (with each of the following clause numbers increased by one), applicable when “the property damaged was a public safety motor vehicle, the defendant knew the vehicle was a public safety motor vehicle, and the damage to the

¹ [Minn. Stat. § 244.09, subd. 11 \(2016\)](#). The Commission also makes “modification[s] mandated or authorized by the legislature,” *id.*, but no such modifications were mandated or authorized in the laws of the 2017 Regular Session and 1st Special Session, 90th Minnesota Legislature.

² Per the Minnesota Constitution, the final day of the 2017 Regular Session was May 22, 2017. The Governor immediately called a special session, which began on May 23 and ended on May 26, 2017.

vehicle caused a substantial interruption or impairment of public safety service or a reasonably foreseeable risk of bodily harm”³

The term “public safety motor vehicle” is defined to include various law enforcement, conservation, fire, and ambulance vehicles. Applicable to the new clause only, “damage” is given an expanded definition that encompasses tampering with the vehicle and acts that obstruct or interfere with the vehicle’s use.⁴

The new clause retains the same statutory maximum as the other clauses of criminal damage to property in the first degree: not more than five years imprisonment, a fine of not more than \$10,000, or both.

Effective Date: The law is effective August 1, 2017, and applies to crimes committed on or after that date.

Reference: [Minn. Stat. § 609.595 \(2016\)](#).

Fiscal Note Estimated Impact: Eight felony sentences annually; less than one prison bed.

Racial Impact Statement: Did not meet screening significance threshold.

Guidelines Considerations: First-degree Damage to Property (Risk Bodily Harm), under Minn. Stat. § 609.595 (2016), subd. 1(1) (5-year statutory maximum), is ranked at Severity Level (SL) 3.

First-degree Damage to Property (Service to Public, Over \$1,000, Over \$500 and Subsequent), under Minn. Stat. § 609.595 (2016), subd. 1(2)(3)(4) (5-year statutory maximum), is ranked at SL 2.

Damage to Property (Critical Service Facilities, Utilities, and Pipelines), under Minn. Stat. § 609.594 (10-year statutory maximum), is an unranked offense.

MSGC Staff Recommendation: Staff recommends that the Commission rank the new offense of Damage to Property (Public Safety Motor Vehicle) at Severity Level 3 alongside Criminal Damage to Property (Risk Bodily Harm), Minn. Stat. § 609.595 (2016), subd. 1(1), which also has a 5-year statutory maximum and a similar element of “caus[ing] a reasonably foreseeable risk of bodily harm.” Alternatively, the Commission may wish to rank the new offense at SL 2 alongside the first-degree

³ 2017 Minn. Laws ch. 95, art. 3, § 16, creates a similar third-degree criminal damage to property offense, a gross misdemeanor. Compared with the new first-degree offense, the new third-degree offense lacks the final causation element; i.e., causation of either (a) a substantial interruption or impairment of public safety service, or (b) a reasonably foreseeable risk of bodily harm. The gross misdemeanor offense shares the definitions referred to in the text accompanying note 4.

⁴ 2017 Minn. Laws ch. 95, art. 3, § 17.

criminal damage to property offenses other than Criminal Damage to Property (Risk Bodily Harm).

Staff also recommends that the Commission make technical modifications due to the renumbering of clauses within Minn. Stat. § 609.595, subd. 1.

Staff has no recommendation as to whether the offense should be added to the list in Section 6 (Offenses Eligible for Permissive Consecutive Sentences). The unranked offense of Damage to Property (Critical Service Facilities, Utilities, and Pipelines), under Minn. Stat. § 609.594 (10-year statutory maximum), is on the list. On the other hand, neither the SL 3 offense of Damage to Property (Risk Bodily Harm), under Minn. Stat. § 609.595 (2016), subd. 1(1) (5-year statutory maximum), nor any of the other first-degree criminal damage to property offenses, are on the list. **Note:** For a crime to be sentenced permissively consecutive, it must be a presumptive commitment offense; i.e., over the dispositional line and in the non-shaded area of the applicable grid.

Commission Decision Points:

1. Shall the Commission give public notice of its intent to assign to the new felony offense of Damage to Property (Public Safety Motor Vehicle) a severity level of 2, 3, or another severity level, or to leave the new felony offense of Damage to Property (Public Safety Motor Vehicle) unranked?
2. Shall the Commission give public notice of its intent to make technical changes to accommodate the renumbering of the clauses of Minn. Stat § 609.595, subd. 1?
3. Shall the Commission give public notice of its intent to add the new felony offense of Damage to Property (Public Safety Motor Vehicle) to the list of offenses eligible for permissive consecutive sentences?

Illustration:

Possible modifications to sections 5.A and 5.B are shown below. In this illustration, the new clause is ranked at SL 3; necessary modifications due to renumbering are made; and the permissive-consecutive list in Section 6 is not altered.

Section 5.A. Offense Severity Reference Table

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Severity Level	Offense Title	Statute Number
3	Damage to Property (Risk Bodily Harm, <u>Public Safety Motor Vehicle</u>)	609.595, subd. 1(1) <u>& (2)</u>

* * *

Severity Level	Offense Title	Statute Number
2	Damage to Property (Service to Public, Over \$1,000, Over \$500 and Subsequent)	609.595, subd. 1 (2) -(3), & (4) , & (5)

* * *

Section 5.B. Severity Level by Statutory Citation

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Statute Number	Offense Title	Severity Level
609.595 subd.1(1) & (2)	Damage to Property (Risk Bodily Harm, <u>Public Safety Motor Vehicle</u>)	3
609.595 subd. 1 (2) (3)(4), & (5)	Damage to Property (Service to Public, Over \$1,000, Over \$500 and Subsequent)	2

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2. Use of Automated Sales Suppression Device

([2017 Minn. Laws 1st Spec. Sess. ch. 1](#), art. 12, § 3 – from [H.F. 1825, 2nd engrossment](#), 89th Minn. Legislature)

Description: Minn. Stat. § 289A.63 provides various criminal penalties for tax evasion. Under a new subdivision 12, a felony is established prohibiting the sale, purchase, installation, transfer, development, manufacture, or use of an automated sales suppression device,⁵ zapper,⁵ phantom-ware,⁶ or similar device knowing that the device or phantom-ware is capable of being used to commit tax fraud or suppress sales. The maximum penalty is five years in prison, a \$10,000 fine, or both.

⁵ “Automated sales suppression device” or “zapper” means a software program, carried on any tangible medium, or accessed through any other means, that falsifies the electronic records of electronic cash registers and other point-of-sale systems including, but not limited to, transaction data and transaction reports.

⁶ “Phantom-ware” means hidden preinstalled or later-installed programming option embedded in the operating system of an electronic cash register or hardwired into the electronic cash register that can be used to create a virtual second electronic cash register or may eliminate or manipulate transaction records that may or may not be preserved in digital formats to represent the true or manipulated record of transactions in the electronic cash register.

Effective Date: This law is effective August 1, 2017, and applies to enumerated activities occurring on or after that date.

Fiscal Note Estimated Impact: Minimal.

Racial Impact Statement: Did not meet screening significance threshold.

Guidelines Considerations: Each of the existing felony tax evasion offenses under Minn. Stat. § 289A.63 also carries a five year statutory maximum. The Guidelines collectively entitle these offenses “Tax Evasion Laws,” and rank them at Severity Level 3. Other analogous offenses also ranked at Severity Level 3 are possession of burglary tools, possession of code grabbing devices, and possessing of shoplifting gear.

When the bill was introduced during the 2015 Legislative Session, MSGC prepared a fiscal note. According to the most recent MSGC monitoring data at that time, from 2009 to 2013, 79 offenders were sentenced for violations of Minn. Stat. § 289A.63 (16 a year) and three (4%) received a prison sentence. Since Minn. Stat. § 289A.63 covers evasion of multiple types of taxes (income, property, estate, general sales, minerals and mining) it is assumed that convictions for this new felony will be less frequent and prison sentences will be rare.

A substantially similar crime⁷ was in the 2016 tax bill, which was vetoed due to an unrelated technical error. Anticipating the possibility of a 2016 special session, the Commission provisionally reviewed the crime at its June 8, 2016, meeting. The unanimous Commission provisionally ranked the offense at Severity Level 3, contingent on the crime’s enactment into law. Because there was no 2016 special session, the crime was not enacted into law and the Guidelines were not modified.

MSGC Staff Recommendation: Consistent with its 2016 action, rank Use of Automated Sales Suppression Devices under Minn. Stat. § 289A.63, subd. 12, at Severity Level 3, and do not add it to the list of offenses eligible for consecutive sentences.

Commission Decision Points:

1. Shall the Commission give public notice of its intent to assign to the new felony offense of Use of Automated Sales Suppression Devices a severity level of 3, or another severity level, or to leave the new felony offense of Use of Automated Sales Suppression Devices unranked?

⁷ [House File 848, 4th engrossment](#), 89th Minn. Legislature, art. 11, §§ 6, 9 & 10. In addition to technical differences, the 2016 version of the offense would also have criminalized the *possession* and *access* of an automated sales suppression device. The 2016 offense would have been codified as a new section of chapter 609, while the enacted offense is codified as a new subdivision of section 289A.63.

2. Shall the Commission—

- *[Applicable only if SL 3 is selected:]* deem the new felony offense of Use of Automated Sales Suppression Devices to be included within the existing offense of “Tax Evasion Laws,” and therefore make no changes to sections 5.A and 5.B as a consequence of the new offense’s enactment, or
- give public notice of its intent to make technical modifications to sections 5.A and 5.B reflecting that the existing offense title of “Tax Evasion Laws” applies only to subdivisions 1 through 3 of Minn. Stat. § 289A.63?

3. Shall the Commission give public notice of its intent to add the new felony offense of Use of Automated Sales Suppression Devices to the list of offenses eligible for permissive consecutive sentences?

Illustration:

Possible modifications to sections 5.A and 5.B are shown below. In this illustration, the new offense is ranked at SL 3, but is not included within the existing offense title of “Tax Evasion Laws”; modifications necessary to distinguish subdivision 12 (“Use of Automated Sales Suppression Devices”) from the other subdivision of Minn. Stat. § 289A.63 (“Tax Evasion Laws”) are made; and the permissive-consecutive list in Section 6 is not altered. **Note:** If the new felony is to be ranked at SL 3 and included within the existing offense title of “Tax Evasion Laws,” no modifications to sections 5.A. and 5.B. are necessary.

Section 5.A. Offense Severity Reference Table

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Severity Level	Offense Title	Statute Number
3	Tax Evasion Laws	289A.63, <u>subd. 1-3</u>
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	<u>Use of Automated Sales Suppression Devices</u>	289A.63, <u>subd. 12</u>

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Section 5.B. Severity Level by Statutory Citation

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Statute Number	Offense Title	Severity Level
289A.63, subd. 1-3	Tax Evasion Laws	3
289A.63, subd. 12	Use of Automated Sales Suppression Devices	<u>3</u>

* * *

- B. New Crime Laws Affecting the Guidelines.** The following new felony offense was created by a 2017 Regular Legislative Session, and therefore subject to the Commission's review.

Commission Action: One of the responsibilities of the Commission is to assign severity-level rankings to new crimes and to consider whether they should be added to the list of offenses eligible for permissive consecutive sentences. The Commission bases its decisions, in part, on the level of harm caused by the offense and the culpability of the offender. Statutory maximums are also considered.

For the new offense listed below, the Commission may decide:

1. What severity level should be assigned?
2. Should the offense be added to the list in Section 6 (Offenses Eligible for Permissive Consecutive Sentences)?
3. Are there other modifications that must be made to the Guidelines?

- **Impersonating a Peace Officer**
([2017 Minn. Laws ch. 95](#), art. 3, §§ 13-14 – from [H.F. 839, as introduced](#), 90th Minn. Legislature, §§ 8-9)

Description: This law increases penalties for impersonating a peace officer under a new statute, Minn. Stat. § 609.4751.

The existing misdemeanor prohibition against impersonating a peace officer is moved from Minn. Stat. § 609.475 (2016) to subdivision 1 of a newly codified Minn. Stat. § 609.4751. (The title of Minn. Stat. § 609.475 is amended to reflect the statute's reduced scope, the impersonation of military service members and public officials, and the elements are altered somewhat.)

As under the existing Minn. Stat. § 609.475 (2016), it remains a misdemeanor, under subdivision 1 of the newly codified Minn. Stat. § 609.4751, falsely to impersonate a peace officer with intent to mislead another into believing that the impersonator is

actually an officer. The offense becomes a gross misdemeanor if committed while gaining access to a public building or government facility not open to the public; while directing or ordering another person's actions; or while using lights, sirens, or insignia identifying a vehicle as a law enforcement vehicle (subd. 2). The misdemeanor or gross misdemeanor offense becomes a felony, with a maximum penalty of not more than two years imprisonment, a fine of not more than \$4,000, or both, if committed within five years of a previous violation of the newly codified section (subd. 3).

Effective Date: This law is effective August 1, 2017, and applies to crimes committed on or after that date.

Fiscal Note Estimated Impact: One felony sentence annually; zero prison beds.

Racial Impact Statement: Did not meet screening significance threshold.

Guidelines Considerations: Severity Level 2 is the highest placement on the Standard Grid for which a two-year statutory maximum would not exceed the presumptive duration at Criminal History Score 6 (21 months); however, it would exceed the upper-range (25 months) and it would exceed the upper-range with a three-month custody status enhancement (28 months).

If the Commission were to rank the offense at Severity Level 1, the two-year statutory maximum would exceed the upper-range only when a three-month custody status enhancement was applicable (25 months).

According to staff records (which may not be exhaustive), among felony offenses with a two-year statutory maximum:

1. One is ranked at SL 3—False Imprisonment; unreasonable restraint of children (Demonstrable Bodily Harm);
2. Four are ranked at SL 2—
 - a. Failure to Control a Regulated Animal (Great Bodily Harm or Death)
 - b. Firearm Silencer
 - c. Duty to Render Aid (Death or Great Bodily Harm)
 - d. Residential Mortgage Fraud;
3. Eight are ranked at SL 1—
 - a. Accidents – Great Bodily Harm
 - b. Prize Notices and Solicitations
 - c. Assault 4
 - d. Depriving Another of Cust. or Parental Rights
 - e. Leaving State to Evade Paternity
 - f. Nonsupport of Spouse or Child
 - g. Discharge of Firearm (Reckless)
 - h. Interference with Privacy (subsequent violations or victim under 18); and
4. Ten are unranked

MSGC Staff Recommendation: Rank the newly created felony offense of impersonating a peace officer, if at all, at Severity Level 1 or 2.

If the Commission ranks the offense at Severity Level 2, staff recommends adding the offense to Appendix 3 (Presumptive Sentence Durations that Exceed the Statutory Maximum Sentence Reference Table), to illustrate at what criminal history score the statutory maximum is exceeded.

Staff has no recommendation as to whether the offense should be added to the list in Section 6 (Offenses Eligible for Permissive Consecutive Sentences); however, it should be noted that for a crime to be sentenced permissively consecutive, it must be a presumptive commitment offense i.e., over the dispositional line and in the non-shaded area of the applicable grid.

Commission Decision Points:

1. Shall the Commission give public notice of its intent to assign to the new felony offense of Impersonating a Peace Officer a severity level of 1, 2, or another severity level, or to leave the new felony offense of Impersonating a Peace Officer unranked?
2. *[Applicable only if SL 2 is selected:]* Shall the Commission give public notice of its intent to add the offense of Impersonating a Peace Officer to Appendix 3 (Presumptive Sentence Durations that Exceed the Statutory Maximum Sentence Reference Table)?
3. Shall the Commission give public notice of its intent to add the new felony offense of Impersonating a Peace Officer to the list of offenses eligible for permissive consecutive sentences?

Illustration:

Possible modifications to sections 5.A and 5.B are shown below. In this illustration, the new offense is ranked at SL 1, and is not added to Appendix 3 (Presumptive Sentence Durations that Exceed the Statutory Maximum Sentence Reference Table) to illustrate at what criminal history score the statutory maximum is exceeded.

Section 5.A. Offense Severity Reference Table

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Severity Level	Offense Title	Statute Number
<u>1</u>	<u>Impersonating a Peace Officer</u>	<u>609.4751, subd. 3</u>

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Section 5.B. Severity Level by Statutory Citation

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Statute Number	Offense Title	Severity Level
<u>609.4751, subd. 3</u>	<u>Impersonating a Peace Officer</u>	<u>1</u>

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- C. **Technical Amendments to Crime Laws Affecting the Guidelines.** These are statutes in which technical revisions were made during the 2017 Regular Session. Bills passed into law must be considered by the Commission for possible modification to the Sentencing Guidelines. Staff recommends making modifications due to these technical amendments, as follows.

- **Technical Changes to Unemployment Benefit Fraud**
([2017 Minn. Laws ch. 35](#), art. 3, § 19)

Description: The headnote of Minn. Stat. § 268.182, which punishes, under Minn. Stat. § 609.52 (Theft), the obtaining of, attempting to obtain, or aiding or abetting one who obtains, unemployment benefits by false or fraudulent means, is changed from “APPLICANT’S FALSE REPRESENTATIONS; CONCEALMENT OF FACTS; PENALTY” to “FRAUD; CRIMINAL PENALTY.”

Various technical changes are made to the text of Minn. Stat. § 268.182. Among them, the first subdivision, which formerly began, “Whoever obtains,” etc., now begins, “An individual has committed fraud and is guilty of theft and must be sentenced under section 609.52 if the individual obtains,” etc.

Effective Date: Because no effective date is specified, the law is effective August 1, 2017, and applies to crimes committed on or after that date.

Impact: None. No substantive changes to the criminal statute are noted.

Guidelines Considerations: The Guidelines now entitle this offense “False Representations,” after the former headnote. The existing offense title is not supported in the new headnote. Moreover, the existing offense title may be confused with Theft by False Representation, which is an entirely different offense under Minn. Stat. § 609.52, subd. 2(a)(3).

MSGC Staff Recommendation: Staff recommends changing the offense title from “False Representations” to “Unemployment Benefit Fraud.” The word “Fraud” is consistent with the statute’s new headnote and the offense’s new first sentence, and the words “Unemployment Benefit” distinguish the offense from other forms of fraud mentioned in the Guidelines.⁸

Commission Decision Point:

- Shall the Commission give public notice of its intent to change the offense title of “False Representations” to “Unemployment Benefit Fraud”?

Illustration:

Illustrative modifications to Sections 5.A, 5.B, and 7 follow.

Section 5.A. Offense Severity Reference Table

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Severity Level	Offense Title	Statute Number
3	False Representations <u>Unemployment Benefit Fraud</u> (Over \$5,000)	268.182

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Severity Level	Offense Title	Statute Number
2	False Representations <u>Unemployment Benefit Fraud</u> (\$5,000 or Less)	268.182

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⁸ As an alternative to “Unemployment Benefit Fraud,” the Commission may wish to use the offense title of “Unemployment Benefits Fraud.” The former is consistent with the title of the preceding statute, Minn. Stat. § 268.18, “Unemployment Benefit Overpayments,” while the latter is consistent with the text of the criminal statute itself.

Section 5.B. Severity Level by Statutory Citation

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Statute Number	Offense Title	Severity Level
268.182	False Representations <u>Unemployment Benefit Fraud</u> (Over \$5,000)	3
268.182	False Representations <u>Unemployment Benefit Fraud</u> (\$5,000 or Less)	2

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Section 7. Theft Offense List

It is recommended that the following property crimes be treated similarly. Below is the Theft Offense List cited for the Theft Crimes (\$5,000 or less and over \$5,000) in section 5.A Offense Severity Reference Table. The severity level for these offenses is based on the monetary amount of the conviction offense. The monetary amount is contained in the penalty statute as cited below:

- Severity Level 2. When the monetary value of the Theft Crime is \$5,000 or less, the penalty statute is Minn. Stat. § 609.52, subdivision 3(3)(a).
- Severity Level 3. When the monetary value of the Theft Crime is over \$5,000, the penalty statute is Minn. Stat. § 609.52, subdivision 3(2).

Statute Number	Offense Title
176.178	Workers Compensation Fraud
256.98	Wrongfully Obtaining Assistance
268.182	False Representations <u>Unemployment Benefit Fraud</u>

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D. Amendments to Criminal Laws Not Directly Affecting the Guidelines. These are statutes in which revisions were made during the 2017 Regular Session or 1st Special Session that may be of interest to the Commission or may indirectly affect the Guidelines because there was a new or amended gross misdemeanor provision. No action is required or recommended.

1. Alternatives to Incarceration

([2017 Minn. Laws ch. 95](#), art. 3, §§ 6, 8-9 & 12 – from [H.F. 2176](#), 90th Minn. Legislature)

The following is a summary of the policy provisions of H.F. 2176, which was incorporated into the public safety omnibus bill. The summary was prepared by nonpartisan House Research staff.⁹ The following definitions apply:

1. A “technical violation” is any violation of the terms of supervision, except an allegation of a subsequent criminal act that is alleged in a formal complaint, citation, or petition.
2. A “nonviolent controlled substance offender” is someone who—
 - a. Is serving a sentence for methamphetamine manufacture; first-, second-, or third-degree controlled substance possession; or fourth- or fifth-degree controlled substance crime;
 - b. Committed the crime as a result of a controlled substance addiction; and
 - c. Has never previously been released under Minn. Stat. § 244.0513, which permits the Commissioner of Corrections to grant early, conditional release to certain nonviolent controlled substance offenders.

[§ 6] Conditional release. *Requires probation and parole agents supervising nonviolent controlled substance offenders to identify community options, including substance abuse treatment, in response to technical violations of the conditions of supervision. Allows offenders, by written stipulation, to restructure terms of supervision to include participation in appropriate community options. Permits courts to amend the terms of supervision based on offenders’ written stipulations. Requires supervising agents to attempt to place offenders in a local jail when revoking supervision. [H.F. 2176]*

[§ 8] Sanctions for violation. *Requires supervised release agents supervising nonviolent controlled substance offenders to identify community options, including substance abuse treatment, in response to technical violations of the conditions of supervision. Requires agents to restructure the terms of supervised release to include participation in appropriate community options. Requires supervising agents to attempt to place offenders in a local jail when revoking supervision. [H.F. 2176]*

[§ 9] Alternatives to incarceration. *Requires county probation agents conducting sanctions conferences regarding nonviolent controlled substance offenders to identify and recommend appropriate community options, including substance abuse*

⁹ House Research Bill Summary H.F. 896, First engrossment, March 28, 2017, pp. 8-9, retrieved on May 25, 2017 at <http://www.house.leg.state.mn.us/hrd/bs/90/HF0896.pdf>. Only those sections pertaining to H.F. 2176 are reproduced here.

treatment, in response to technical violations of the conditions of probation. [H.F. 2176]

[§ 12] Alternatives to incarceration. *Requires probation agents at probation revocation hearings for technical violations of probation by nonviolent controlled substance offenders to present courts with local options in response to violations. [H.F. 2176]*

- 2. New or Amended Gross Misdemeanors:** MSGC staff brings the following new and amended laws containing gross misdemeanors to the Commission's attention because each prior gross misdemeanor conviction counts as one unit comprising a Guidelines criminal history point; i.e., four units equal one criminal history point.

a. Teacher Fraud

([2017 Minn. Laws 1st Spec. Sess. ch. 5, art. 12, § 15](#) – from [H.F. 2](#))

Description: Teacher fraud under Minn. Stat. § 122A.093 is created for a person who claims to be a licensed teacher without a valid existing license. Anyone who employs fraud or deception in applying for or securing a license is guilty of a gross misdemeanor. The section is effective January 1, 2018.

b. Unlicensed Body Art

([2017 Minn. Laws 1st Spec. Sess. ch. 6, art. 10, § 105](#) – from [S.F. 2](#))

Description: Any person who operates a body art establishment without a license or who performs body art in an unlicensed location is guilty of a gross misdemeanor. This section is effective July 1, 2017.

c. Tattooing Individuals Under 18

([2017 Minn. Laws 1st Spec. Sess. ch. 6, art. 10, § 108](#) – from [S.F. 2](#))

Description: Under Minn. Stat. § 146B.07, subd. 2(5)(b), tattooing an individual under the age of 18 is a gross misdemeanor, regardless of parental or guardian consent. This section is effective July 1, 2017.

d. Misusing Doctor's Title

([2017 Minn. Laws ch. 56, § 2](#) – from [S.F. 482](#))

Description: Under Minn. Stat. § 147.082, a person who is not licensed as a doctor of medicine is prohibited in using the title "doctor of medicine," "medical doctor," etc. Any person violating the provision is guilty of a gross misdemeanor. This section was effective May 18, 2017.

e. Disclosure of Untaxed Gambling Return Information

([2017 Minn. Laws 1st Spec. Sess. ch. 1, art. 14, § 11](#) – from [H.F. 1](#))

Description: Minn. Stat. § 297E.02, subd. 7(e) prohibits the Commissioner of Revenue or a public employee from revealing facts contained in a tax return related to untaxed gambling. Effective for games played or purchased after June 30, 2017.